

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement		GRANT NUMBER (FAIN): 96911701		DATE OF AWARD 09/16/2004	
			MODIFICATION NUMBER: 0			
			PROGRAM CODE: CD		TYPE OF ACTION New	MAILING DATE 09/23/2004
			PAYMENT METHOD: Advance		ACH#	
RECIPIENT TYPE: Indian Tribe			Send Payment Request to: Grants Management Office, PMD-7			
RECIPIENT:			PAYEE:			
Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 EIN: 88-0120754			Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410			
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST		
Marie Barry 919 Highway 395 South Gardnerville, NV 89410 E-Mail: Phone: 775-265-8682		Stephanie Wilson 75 Hawthorne Street, WTR-10 San Francisco, CA 94105 E-Mail: Wilson.Stephanie@epamail.epa.gov Phone: 775-885-6190		GwenL Brown Grants Management Office, MTS-7 E-Mail: Brown.GwenL@epamail.epa.gov Phone: 415-972-3661		
PROJECT TITLE AND DESCRIPTION WETLANDS PROTECTION DEVELOPMENT - IMPLEMENTATION OF MITIGATION MEASURES, PHASE II This agreement provides full EPA funding in the amount of \$79,148. Purpose of this program/project is the development of Washoe Tribe of NV&CA's wetlands program. Workplan tasks include: (1) Program Fiscal Administration. (2) Summarize Progress; Program Evaluation. (3) Program Capacity Building and Coordination. (4) Wetland Mitigation. (5) Education, Outreach, and Consultation. The specific details are in the approved workplan.						
BUDGET PERIOD 10/01/2004 - 10/31/2006		PROJECT PERIOD 10/01/2004 - 10/31/2006		TOTAL BUDGET PERIOD COST \$105,531.00		
				TOTAL PROJECT PERIOD COST \$105,531.00		
NOTICE OF AWARD						
Based on your Application dated 07/16/2004 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$79,148. EPA agrees to cost-share 75.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$79,148. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS			
U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105			U.S. EPA, Region 9 Water Division 75 Hawthorne Street San Francisco, CA 94105			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
Digital signature applied by EPA Award Official Alexis Strauss - Director - Water Division					DATE 09/16/2004	

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 79,148	\$ 79,148
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 26,383	\$ 26,383
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 105,531	\$ 105,531

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.461 - Wetlands Protection State Development	Clean Water Act. Sec. 104(b)(3)	40 CFR PTS 31 & 35 SUBPT B

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	W0E154	04	E1	09LA0D5	403B07E	4183			79,148
									79,148

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$45,209
2. Fringe Benefits	\$20,837
3. Travel	\$6,950
4. Equipment	\$15,969
5. Supplies	\$1,560
6. Contractual	\$0
7. Construction	\$0
8. Other	\$8,076
9. Total Direct Charges	\$98,601
10. Indirect Costs: <u>9.94%</u> Base <u>SEE BELOW</u>	\$6,930
11. Total (Share: Recipient <u>25.00</u> % Federal <u>75.00</u> %.)	\$105,531
12. Total Approved Assistance Amount	\$79,148
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$
15. Total EPA Amount Awarded To Date	\$

Detailed Table B Budget Page: 1

Table B - Program Element Classification (Non-construction)	Total Approved Allowable Budget Period Cost
1. TABLE A, LINE 10, INDIRECT COSTS based on total direct less capital expenditures and passthrough. Refer to condition regarding indirect costs.	\$
2.	\$
3.	\$
4.	\$
5.	\$
6.	\$
7.	\$
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip % Fed %)	\$
12. Total Approved Assistance Amount	\$

Administrative Conditions

TERMS AND CONDITIONS NUMBERED 1 THROUGH 12 APPLY.

1. An interim Financial Status Report (FSR), Standard Form 269A (Rev. 7/97), covering the period from "project/budget period start date" to September 30 of each calendar year shall be submitted to the Grants Management Office, PMD-7, no later than December 31 of the same calendar year. **The initial FSR is due December 31, 2005.** The FSR covering the entire project period shall be submitted within 90 days after the end of the project period (40 CFR Part 31.23(b)).
2. The recipient shall comply with the Single Audit Act and the reporting requirements set forth in OMB Circular A-133.
3. The recipient agrees to complete and submit to the Grants Management Office, PMD-7, a MBE/WBE Utilization Report (EPA Form 5700-52A), within 30 days after the end of the Federal fiscal year, i.e., by October 30 of each calendar year. Negative reports are required.
4. The recipient must ensure to the fullest extent possible that at least 8% (6%=MBE/2%=WBE) of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and historically black colleges and universities.

The recipient agrees to include in its bid documents an 8% (6%=MBE/2%=WBE) "Fair Share" percentage and require all of its prime contractors to include in their bid documents for subcontracts an 8% (6%=MBE/2%=WBE) "Fair Share" percentage.

To evaluate compliance with the "Fair Share" policy, the recipient also agrees to comply with the six affirmative steps stated in 40 CFR Section 30.44(b), Section 31.36(e), or Section 35.6580(a), as appropriate.

5. If a recipient procures equipment, services, supplies, or contracts under an assistance agreement, the recipient agrees and is required to utilize the following six affirmative steps:
 - a. Include qualified Small Business Enterprises (SBEs), Minority Business Enterprises (MBEs), and Women Business Enterprises (WBEs) on solicitation lists;
 - b. Assure that SBEs, MBEs, and WBEs are solicited whenever they are potential sources;
 - c. Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of SBEs, MBEs, and WBEs;

- d. Establish delivery schedules, where the requirements of the work permit, which will encourage participation by SBEs, MBEs, and WBEs;
 - e. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency, U.S. Department of Commerce, as appropriate; and
 - f. If the prime contractor awards contracts/procurements, require the contractor to take the affirmative steps in subparagraphs a. through e. of this condition.
6. The recipient will not charge or claim for reimbursement any indirect costs unless a current indirect cost proposal is submitted and received by the Department of Interior (DOI) within six months after the close of the recipient's fiscal year. After DOI has received the indirect cost proposal, indirect costs authorized in this award may be reimbursed in accordance with the lower of either the last approved Negotiated Indirect Cost Rate Agreement (ICA) or the proposed rate until DOI approves the new indirect cost rate.
7. Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, or in a written statement. The Lobbying and Litigation certification and final Financial Status Report shall be submitted within 90 days after the end of project period.
- Recipient shall abide by its respective OMB Circular A-87 which prohibits the use of federal grant funds for litigation against the United States.
8. Pursuant to EPA Order 1000.25 and Executive Order 13101, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to Standard Forms. These forms are printed on recycled paper as available through the General Services Administration.
9. Effective October 1, 1994, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the Hotel and Motel Fire Safety Act of 1990.
10. The recipient shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." The recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40

CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

The recipient may access the Excluded Parties List System at <http://epls.arnet.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

Programmatic Conditions

11. The grantee shall submit to the EPA Project Officer quarterly reports to self-evaluate and joint-evaluate annual performance under the grant, including:

- Status of each workplan goal, task, and deliverable;
- Status of expenditures for reporting period;
- Summary of accomplishments including the reporting of environmental results and discussion of problems impacting or expected to impact performance;
- Tasks not on schedule and proposed dates of completion.

Each report is due 30 days after the end of each Federal fiscal quarter (i.e., 30th day of January, April, July and October).

12. Modifications to the approved workplan, including additions, deletions or changes in the schedule or budget shall be submitted to the EPA project officer for approval prior to the actual modifications.

END OF DOCUMENT

